

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

JOHN F. VODOPIA,

Plaintiff,

-against-

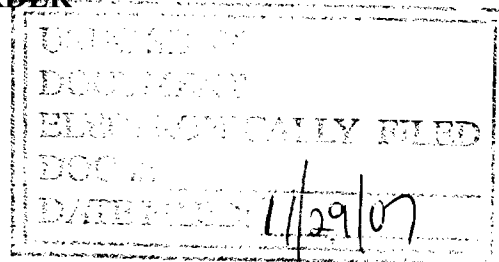
KONINKLIJKE PHILIPS ELECTRONICS,

Defendant.

-----X

:  
:  
: 07 Civ. 06214 (BSJ)(DF)

: **ORDER**



**DEBRA FREEMAN, United States Magistrate Judge:**

The Court having held a telephone conference with counsel for both parties on November 27, 2007, with respect to Defendant's motion seeking the return by Plaintiff of material claimed by Defendant to be protected by the attorney-client privilege and/or to be proprietary to Defendant and confidential, and further seeking to prevent the dissemination and disclosure of such material, it is hereby ORDERED, for the reasons stated at the conference, that:

1. Plaintiff is directed to turn over to his counsel forthwith all documents in his possession, custody or control that he acquired during the course of his employment with Defendant, including both hard copies of documents and any documents maintained in electronic form (collectively, the "Documents").
2. Pending further Order of this Court, all of the Documents shall be deemed to be confidential, shall not be disclosed to anyone other than the parties in this case and their counsel, shall not be used for any purpose other than this litigation, and shall not be filed in this action except under seal. Counsel are directed to confer regarding the terms of a more complete and

detailed Protective Order to supercede this Order, and are further directed to make a joint submission of such a proposed Order to the Court, for its consideration, in accordance with paragraph 8, below.

3. No later than December 4, 2007, Plaintiff's counsel shall make all of the Documents available for inspection by Defendant's counsel. Plaintiff shall then make diligent efforts to produce to Defendant a complete set of the Documents, bearing Bates numbers and marked "Confidential," no later than December 11, 2007.

4. Once production of the Documents has been made, counsel are directed to confer in good faith as to whether any of the produced Documents are, in fact, *not* confidential (either because they would be available from public sources, or because they are not proprietary or sensitive), and to remove the "Confidential" designation from any of the Documents as to which the parties agree that no claim of confidentiality would be appropriate.

5. Counsel are further directed to confer in good faith as to which of the produced Documents, or portions thereof, are subject to the attorney-client privilege. Following such conference, all material as to which Defendant is maintaining any claim of attorney-client privilege should be segregated and held separately by both counsel pending further Order of this Court as to how such material should be treated.

6. Counsel are further directed to confer pursuant to Rule 26(f) of the Federal Rules of Civil Procedure regarding an appropriate schedule for conducting discovery in this action.

7. No later than December 18, 2007, counsel should submit to the Court a joint letter, containing (a) a proposed discovery plan, (b) a proposed Protective Order, and (c) a proposed methodology and schedule for placing before the Court the parties' particularized arguments as to whether individual documents claimed by Defendant to be privileged (i) are, in

fact, covered by the attorney-client privilege, and (ii) should, even if privileged, be nonetheless available to Plaintiff for use in this litigation.

Dated: New York, New York  
November 29, 2007

SO ORDERED

  
DEBRA FREEMAN  
United States Magistrate Judge

Copies to:

Raymond Nardo, Esq.  
Law Office of Raymond Nardo  
129 Third Street  
Mineola, NY 11501

Jennifer Ann Rygiel-Boyd, Esq.  
Ogletree, Deakins, Nash, Smoak & Stewart, PC  
521 Fifth Avenue, Suite 1700  
New York, NY 10017

Robert C. Petrulis, Esq.  
Kristin Ali Somich, Esq.  
Ogletree, Deakins, Nash, Smoak & Stewart, PC  
127 Public Square, Suite 4130  
Cleveland, OH 44114